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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/540,595

06/23/2005

John P Cosier

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11/27/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/540,595 | Applicant(s) COSIER, JOHN P | |
| | Examiner Uyen-Chau N. Le | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>08/01/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Preliminary Amendment filed 09/19/2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 16 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuttle (US 6842121 B1).

Re claims 16 and 19-20: Tuttle discloses an apparatus and method of assisting in identifying an article/suitcase 12, said method comprising the steps of: presenting to a wearable tag reader 20 configured for reading a tag 16 associated with an article 12; communicating

information held in said tag 16 to the tag reader 20; and generating an output signal that is dependent on the information communicated from the tag 16 to the tag reader 20, wherein said output signal facilitates identification of the article 12 with which the tag 16 is associated by virtue of said association being user definable and established prior to said step of communicating (fig. 1; col. 2, line 27 through col. 4, line 27); wherein said wearable tag reader is wearable on a persons finger, hand, forearm, foot or other extremity of the body (fig. 1; col. 3, lines 19-21); a user programming said tag prior to said step of communicating, wherein said information held in the tag 16 includes tag identity information, wherein said information held in the tag includes data which describes a property of the article with which the tag is associated (col. 2, lines 50-65); wherein said generated output signal is in the form of a tactile signal, audible signal, speech or other user decipherable information (col. 3, lines 26-28); wherein said tag 16 is a radio frequency identification (RFID) tag (fig. 2; col. 4, lines 28-42); a user providing said tag; an article provided with a tag, said tag being suitable for use in a method of assisting in identifying an article; affixing a tag to an article, said tag being suitable for use in a method of assisting in identifying an article (fig. 4; col. 2, lines 43-49).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Appalucci et al (US 2003/0057276). The teachings of Tuttle have been discussed above.

Re claims 1-10: Tuttle has been discussed above but is silent with respect to providing the article with a tag at a time of manufacture of the article, the tag having information associated with the article.

Appalucci et al teaches a radio frequency tag 16 is inserted within the television during manufacturing process (paragraph [0024]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Appalucci et al into the system as taught by Tuttle in order to provide Tuttle with a more secure system wherein by having the RFID tag inserted during manufacturing would prevent the tag information from being manipulated and/or counterfeit.

6. Claims 11, 12, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Reade et al (US 20040103034 A1). The teachings of Tuttle have been discussed above.

Re claims 11, 12, 14, 15, 17 and 18: Tuttle has been discussed above but is silent with respect to the output signal is a tactile signal.

Reade et al teaches a display of a handheld scanner outputting tactile signal for vision-impaired customer (paragraph [0015]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the display having tactile output system of Reade et al into the system as taught by Tuttle in order to provide Tuttle with a universal system having the

capability of serving both normal vision and vision-impaired users, and thus providing a more user friendly system.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle as modified by Reade et al as applied to claim 11 above, and further in view of Appalucci et al (US 2003/0057276). The teachings of Tuttle as modified by Reade et al have been discussed above.

Re claims 13: Tuttle/Reade et al has been discussed above but is silent with respect to providing the article with a tag at a time of manufacture of the article, the tag having information associated with the article.

Appalucci et al teaches a radio frequency tag 16 is inserted within the television during manufacturing process (paragraph [0024]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Appalucci et al into the system as taught by Tuttle/Reade et al in order to provide Tuttle/Reade et al with a more secure system wherein by having the RFID tag inserted during manufacturing would prevent the tag information from being manipulated and/or counterfeit.

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on M-F 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Uyen-Chau N. Le
Primary Examiner
Art Unit 2876

November 26, 2007